

EXHIBIT A

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Subject: RE: In re Keurig - Expert Disclosures
Date: Friday, July 31, 2020 4:59:53 PM
Attachments: [image001.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

Counsel,

For the reasons discussed during our meet-and-confer on July 8, TreeHouse continues to believe that you have not offered any satisfactory explanation for how any proposed opinions by Judge Gajarsa are appropriate for expert testimony. At the time, we asked you for any authority supporting your position that he could provide an admissible expert opinion and you were unable to provide any. We also asked that you subsequently send any authority if you became aware of any. To date, we have not received any such authority. Consequently, TreeHouse maintains its objection to the proffer of any expert testimony by Judge Gajarsa and reserves all rights in that regard.

Nonetheless, under protest, TreeHouse discloses Randall R. Rader as a potential expert witness to address any opinions to be proffered by Arthur J. Gajarsa, to the extent such opinions are deemed admissible by the Court. TreeHouse's disclosure is pursuant to Federal Rule of Civil Procedure 26(a)(2) and Paragraph 3(b) of the Case Management Scheduling Order (ECF No. 887).

Further, as noted in TreeHouse's expert disclosures on July 1, TreeHouse reserves its rights to use any of its previously disclosed experts in rebuttal instead of or in addition to providing a primary report.

Best,
Mulan

Mulan Cui

Associate Attorney

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From: Cui, Mulan

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Subject: RE: In re Keurig - Expert Disclosures

Counsel,

Further to my email below and to the agreement of the parties reached on or about June 30, 2020, TreeHouse discloses that the subject matter of any testimony by Dr. Kenneth Castleman will concern one or more of the following topics: the design, functionality, source code, software, embedded systems, sensors, and hardware of one or more Keurig brewers including, without limitation, the Keurig 2.0 Brewer, KBT, and CBT.

Best,
Mulan

Mulan Cui

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Subject: RE: In re Keurig - Expert Disclosures

Counsel,

Attached, please find TreeHouse's expert disclosures.

Best,
Mulan

Mulan Cui

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Subject: Re: In re Keurig - Expert Disclosures

Sounds good. Thanks, Larry.

Matthew R. DalSanto, Ph.D.

Of Counsel

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On Jun 30, 2020, at 8:12 PM, Malm, Larry <lmalm@cgsh.com> wrote:

Matt , All,
Agreed.

If there are further questions after 7/2, we can resolve via individual meet and confers
as necessary.

Best,
Larry

Larry Malm

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Subject: RE: In re Keurig - Expert Disclosures

Larry,

After our phone conversation earlier today, I conferred with other plaintiffs' counsel. We propose the following disclosure process, which I believe we all agree would be more efficient.

Please let us know if Keurig agrees with this revised procedure.

Best regards,
Matt

- 1) By 5 pm EDT on 7/1/2020, each party in each case will disclose the names, employers, and business addresses of their retained affirmative expert witness(es) and the case(s) in which they will provide expert testimony.
- 2) By 5 pm EDT on 7/2/2020, each party in each case will provide brief description(s) of the subject matter of any experts that they retained that will opine on issues other than liability, economic or antitrust injury, damages, statistics, surveys, and/or the methods proffered to establish antitrust and/or economic injury and any corresponding damages on a classwide basis (i.e., a "class expert").

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<image001.jpg>

From: DalSanto, Matthew <MDalSanto@winston.com>

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Subject: RE: In re Keurig - Expert Disclosures

Larry and Alan,

Thank you for taking the time to speak with us yesterday.

Plaintiffs conferred and agree to the approach that we discussed. The list below memorializes our agreement and also contains a few additional details that we believe are necessary to actually implement the process we discussed. For example, we tried to clarify what is meant by “well-known experts.” We would also like to move the deadline for responses to any requests for additional information to 7/6/2020 due to the Independence Day Holiday that will be observed on 7/3/2020.

Please let me know if Keurig agrees to these terms.

- 1) By 5 pm EDT on 7/1/2020, each party in each case will disclose the names,

- employers, and business addresses of their retained affirmative expert witness(es) and the case(s) in which they will provide expert testimony.
- 2) By 5 pm EDT on 7/2/2020, each party in each case may submit requests, if any, for additional information about any expert disclosed by another party in the matter.
 - 3) By 5 pm EDT on 7/6/2020, each party in each case will respond to any request(s) that it received for additional information.
 - 4) The responses to any requests for additional information will consist of brief description(s) of the subject matter of the expert's opinions.
 - 5) An expert who will opine on liability, economic or antitrust injury, damages, statistics, surveys, and/or the methods proffered to establish antitrust and/or economic injury and any corresponding damages on a classwide basis (i.e., a "class expert") need only to disclose that the expert will opine on "liability, antitrust or economic injury, damages, statistics, surveys, and/or class issues."

Best regards,
Matt

Matthew R. DalSanto, Ph.D.

Of Counsel

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*Admitted to practice in
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<image001.jpg>

From: Freedman, Alan <afreedman@cgsh.com>

Sent: Monday, June 29, 2020 11:15 AM

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Subject: RE: In re Keurig - Expert Disclosures

Ok thanks.

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Sent: Monday, June 29, 2020 11:44 AM

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Subject: RE: In re Keurig - Expert Disclosures

Thanks, Alan.

Let's plan to speak at 12:30 pm today if this time still works on your end. Here is a dial-in we can use:

Dial-in: 513-360-6824

Passcode: 1-212-294-6743

Mulan Cui

Associate Attorney

Winston & Strawn LLP

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<image002.jpg>

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Subject: RE: In re Keurig - Expert Disclosures

Mulan,

We are available from 10am-1pm on Monday to discuss this.

Alan

Alan Freedman

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Subject: In re Keurig - Expert Disclosures

Counsel,

Under the scheduling order, the parties are to "disclose the identity of any expert witnesses under Fed. R. Civ. P. 26(a)(2)" by Wednesday, July 1. To ensure the parties have the same understanding as to what is required in the disclosures, we would like to set up a meet-and-confer to discuss.

Please let us know your availability for a meet-and-confer tomorrow and Monday.

Thank you,
Mulan

Mulan Cui

Associate Attorney

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<image002.jpg>

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